IN THE CLAIMS:

Please **AMEND** withdrawn claims 2 and 3, and **CANCEL** withdrawn claims 4 and 5, as follows:

1. (ORIGINAL) A recording and/or reproducing apparatus for a recording medium including a data area for storing user data and a primary spare area for defect management of the user data, allocated upon initialization of the recording medium, comprising:

a controller to allocate and/or expand a supplementary spare area, after the initialization of the recording medium, in a forward direction starting from a rear portion of the data area of the recording medium, for defect management of the user data; and

a pickup to record or reproduce information onto or from the disc.

2. (CURRENTLY AMENDED) ~~A defect management method for disc recording and/or reproducing of a recording medium, the recording medium including a data area for storing user data and a primary spare area for defect management of the user data, allocated upon initialization of the recording medium, comprising~~ The recording and/or reproducing apparatus of claim 1, wherein the defect management performed by the controller further comprises:

determining, after the initialization of the recording medium and prior to ~~an~~ the allocation or the expansion of ~~a~~ the supplementary spare area of the recording medium, whether a sufficiently continuous empty area exists at the end of the data area for ~~an~~ the allocation or the expansion of the supplementary spare area, for defect management of the user data;

rearranging a plurality of non-continuous areas of the recording medium to generate a new continuous empty area at the end of the data area if a sufficiently continuous empty area at the end of the ~~user~~ data area does not exist; and

allocating the supplementary spare area in the new continuous empty area if the new continuous empty area has a sufficient amount of space for the supplementary spare area.

3. (CURRENTLY AMENDED) The recording and/or reproducing apparatus ~~method~~ of claim 2, wherein the controller further ~~comprising:~~

~~informing~~ informs a user that the supplementary spare area cannot be allocated if the new continuous empty area does not have the sufficient amount of space for the supplementary spare area.

4-5. (CANCELLED)